



Signed and Filed: March 9, 2020

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 19-31024 HLB
)
RICHARD TOM,) Chapter 7
)
Debtor.)
)
MARK NG, LORAIN WONG, and)
KENDALL NG,) Adv. Proc. No. 19-03065 HLB
)
Plaintiffs,)
v.)
)
RICHARD TOM,)
)
Defendant.)

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

On January 29, 2020, Defendant Richard Tom filed a motion to dismiss¹ the complaint² filed by Plaintiffs Mark Ng, Loraine Wong, and Kendall Ng pursuant. The Plaintiffs have opposed the Motion;³ Mr. Tom has replied.⁴ On March 4, the court entered a Tentative Ruling⁵ on the Motion by which the court indicated that

¹ Dkt. 6 (the "Motion").

² Dkt. 1.

³ Dkt. 9.

⁴ Dkt. 10.

⁵ Dkt. 13.

1 it was inclined to grant in part and deny in part Mr. Tom's
2 request for judicial notice and to deny the Motion. Both Mr. Tom
3 and the Plaintiffs have advised the court that they accept the
4 Tentative Ruling. Accordingly, the court **ORDERS** as follows:

5 (1) Mr. Tom's request for judicial notice is **GRANTED** as to
6 Exhibits 2, 5 and 9, and is **DENIED** as to Exhibits 1, 3,
7 4, 6, 7, and 8.

8 (2) The Motion is **DENIED**.

9 (3) The April 9, 2020 hearing on the Motion is **VACATED**.

10 (4) In accordance with the Tentative Ruling, the scheduling
11 conference is **CONTINUED** from April 9, 2020 to **May 21,**
12 **2020 at 2:00 p.m.** and the following deadlines shall
13 apply:

14 a. On or before **April 9, 2020**, Mr. Tom shall file and
15 serve an Answer to the Complaint, which shall comply
16 with Bankruptcy Rule⁶ 7012(b) and B.L.R. 7012-1;

17 b. On or before **April 23, 2020** the parties shall
18 conduct the discovery conference required by
19 Bankruptcy Rule 7026/Civil Rule 26(f)(1);

20 c. On or before **May 7, 2020**, the parties shall exchange
21 initial disclosures required by Bankruptcy Rule
22 7026/Civil Rule 26(a) and file and serve a discovery
23 plan required by Bankruptcy Rule 7026/Civil Rule
24 26(f)(3); and
25

26
27 ⁶ Unless otherwise noted, all references to a "Bankruptcy Rule" shall refer to
28 the Federal Rules of Bankruptcy Procedure and all references to a "Civil Rule"
shall refer the Federal Rules of Civil Procedure.

1 d. On or before **May 7, 2020**, Plaintiffs shall file and
2 serve a statement indicating whether they consent to
3 entry of a final judgment by this court, given that
4 Plaintiffs' complaint did not comply with Bankruptcy
5 Rule 7008 or B.L.R. 7008-1.

6 ****END OF ORDER****
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court Service List

[None]